

FILED Case

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MAY 6, 2010

MICHAEL W. DOBBINS
RK, U.S. DISTRICT COURT

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAR 29, 2010

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**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

THELMA L. ANDERSEN

CIVIL ACTION

(Name of the plaintiff or plaintiffs)

1:10-cv-01953

Judge Harry D. Leinenweber
Magistrate Judge Susan E. Cox

(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is THELMA E. ANDERSON of the county of COOK in the state of ILLINOIS.
3. The defendant is SACRED HEART HOME, whose street address is 1550 5th ALCBANY, (city) CHICAGO (county) COOK (state) ILLINOIS (ZIP) 60687 (Defendant's telephone number) (773) 277-6868
4. The plaintiff sought employment or was employed by the defendant at (street address) 1550 5th ALCBANY (city) CHICAGO (county) COOK (state) ILLINOIS (ZIP code) 60687

5. The plaintiff [*check one box*]

- (a) was denied employment by the defendant.
- (b) was hired and is still employed by the defendant.
- (c) was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) April, (day) 14, (year) 2009.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] *has not* *has* filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) the United States Equal Employment Opportunity Commission, on or about
(month) _____ (day) _____ (year) _____.

(ii) the Illinois Department of Human Rights, on or about
(month) April (day) 14 (year) 2009.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. YES. NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

Yes (month) _____ (day) _____ (year) _____

No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

YES NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

YES NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) Dec (day) 31 (year) 2009 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) Age (Age Discrimination Employment Act).

(b) Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) Religion (Title VII of the Civil Rights Act of 1964)
- (g) Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]

- (a) failed to hire the plaintiff.
- (b) terminated the plaintiff's employment.
- (c) failed to promote the plaintiff.
- (d) failed to reasonably accommodate the plaintiff's religion.
- (e) failed to reasonably accommodate the plaintiff's disabilities.
- (f) failed to stop harassment;
- (g) retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) other (specify): retaliated against plaintiff for filing worker's comp claim and terminated her

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See attached charge.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. YES NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) Direct the defendant to hire the plaintiff.
- (b) Direct the defendant to re-employ the plaintiff.
- (c) Direct the defendant to promote the plaintiff.
- (d) Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) Direct the defendant to (specify): _____

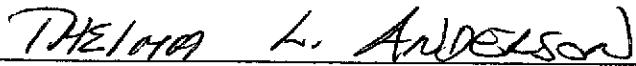
(g) If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)



(Plaintiff's name)



(Plaintiff's street address)



(City) Chicago (State) IL (ZIP) 60619

(Plaintiff's telephone number) (773) - 217-3239

Date: 20th Feb. 2010 RA
29th March 2010

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

#09W0413-15

AGENCY

IDHR
 EEOC

CHARGE NUMBER

2009CF3280

Illinois Department of Human Rights and EEOC**NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)**

Ms. Thelma L. Anderson

TELEPHONE NUMBER (include area code)

(708) 720-0205

STREET ADDRESS

22329 Redondo Drive

CITY, STATE AND ZIP CODE

Richton Park, Illinois 60124

DATE OF BIRTH

/ /

M D YEAR

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT

Sacred Heart Home

NUMBER OF EMPLOYEES, MEMBERS
15+

TELEPHONE NUMBER (include area code)

(773) 277-6868

STREET ADDRESS

1550 S. Albany Avenue

CITY, STATE AND ZIP CODE

Chicago, Illinois 60625

COUNTY

Cook (031)

CAUSE OF DISCRIMINATION BASED ON:

Physical Disabilities

DATE OF DISCRIMINATIONEARLIEST (ADEA/EPA) LATEST (ALL)
04/06/09 CONTINUING ACTION**THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:****I. A. ISSUE/BASIS**

**FAILURE TO RETURN FROM MEDICAL LEAVE, ON OR ABOUT APRIL 6, 2009,
BECAUSE OF MY PHYSICAL DISABILITY, HYPERTENSION.**

B. PRIMA FACIE ALLEGATIONS

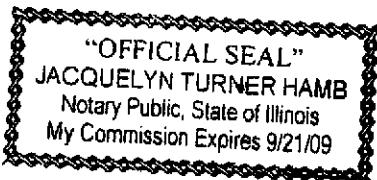
1. I am disabled as defined under Section 1-103(I) of the Human Rights Act.
2. Respondent has knowledge of my condition.

Page 1 of 3

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE METHIS 14 DAY OF April, 2009

NOTARY SIGNATURE



NOTARY STAMP

X 
SIGNATURE OF COMPLAINANTDATE 10/26/09

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

Charge Number: 2009CF3280

Complainant: Thelma L. Anderson

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3. **On or about April 6, 2009, I was denied the opportunity to return to work from my medical leave by Carol Taylor, Nursing Supervisor, and Victor Arnette, Respondent's Payroll Representative. No reason was given for Respondent's failure to allow me to return to work.**
4. **Similarly situated employees, who are not disabled and who have returned from a medical leave were not denied the opportunity to return to work.**
5. **My disability does not affect my ability to perform the duties of my job.**

II. A. ISSUE/BASIS

FAILURE TO RETURN FROM MEDICAL LEAVE, ON OR ABOUT APRIL 6, 2009, BECAUSE OF MY PHYSICAL DISABILITY, DEGENERATIVE JOINT DISEASE.

B. PRIMA FACIE ALLEGATIONS

1. **I am disabled as defined under Section 1-103(I) of the Human Rights Act.**
2. **Respondent has knowledge of my condition.**
3. **On or about April 6, 2009, I was denied the opportunity to return to work from my medical leave by Carol Taylor, Nursing Supervisor, and Victor Arnette, Respondent's Payroll Representative. No reason was given for Respondent's failure to allow me to return to work.**
4. **Similarly situated employees, who are not disabled and who have returned from a medical leave were not denied the opportunity to return to work.**
5. **My disability does not affect my ability to perform the duties of my job.**

IV. A. ISSUE/BASIS

FAILURE TO RETURN FROM MEDICAL LEAVE, ON OR ABOUT APRIL 6, 2009, BECAUSE OF MY PHYSICAL DISABILITY, GRAVES' DISEASE.

B. PRIMA FACIE ALLEGATIONS

1. **I am disabled as defined under Section 1-103(I) of the Human Rights Act.**

Case number: 2009CF3180
Plaintiff: Shelly L. Anderson

- 2. Respondent has knowledge of my condition.**
- 3. On or about April 6, 2009, I was denied the opportunity to return to work from my medical leave by Carol Taylor, Nursing Supervisor, and Victor Arnette, Respondent's Payroll Representative. No reason was given for Respondent's failure to allow me to return to work.**
- 4. Similarly situated employees, who are not disabled and who have returned from a medical leave were not denied the opportunity to return to work.**
- 5. My disability does not affect my ability to perform the duties of my job.**

ACF/acf

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Thelma L. ANDERSON**
22329 Redondo Dr
Richton Park, IL 60471

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8818 5247

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2009-01783

Armernola P. Smith,
State & Local Coordinator

(312) 886-5973

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

The EEOC is terminating its processing of this charge.

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

John P. Rowe/mjh

12-30-2009

Enclosures(s)

John P. Rowe,
District Director

(Date Mailed)

CC: **SACRED HEART HOME**
1550 S Albany
Chicago, IL 60625